

JENNY L. SHEAFFER (*Pro Hac Vice*)
ANGELA R. GOTT (*Pro Hac Vice*)
BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP
200 Public Square, Suite 2300
Cleveland, Ohio 44114-2378
Tel: (216) 363-4500
Fax: (216) 363-4588
E-Mail: jsheaffer@beneschlaw.com
agott@beneschlaw.com

DAVID M. GIVEN (State Bar No. 142375)
FEATHER D. BARON (State Bar No. 252489)
PHILLIPS, ERLEWINE & GIVEN LLP
50 California Street, 35th Floor
San Francisco, CA 94111
Tel: (415) 398-0900
Fax: (415) 398-0911
E-Mail: dmg@phillaw.com
fdb@phillaw.com

Attorneys for Defendant
HOMAX PRODUCTS, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO TECHNOLOGY INC.,

Plaintiff,

v.

AERO PRODUCTS INTERNATIONAL
INC., ET AL.

Defendants.

Case No. 10 CV-02994-JF

**DEFENDANT HOMAX PRODUCTS,
INC.'S NOTICE OF MOTION TO
DISMISS PURSUANT TO RULE 12(B)(1)**

Judge: Hon. Judge Jeremy Fogel
Date: October 1, 2010
Time: 9:00 a.m.
Courtroom: Courtroom 3, 5th Floor

NOTICE OF MOTION

PLEASE TAKE NOTICE, that on October 1, 2010 at 9:00 a.m., or as soon thereafter as this matter may be heard, before the Honorable Judge Jeremy Fogel, at the United States District Court for the Northern District of California, 280 South 1st Street, San Jose, California, in Courtroom 3, 5th Floor, Defendant Homax Products, Inc. ("Homax"), by and through its counsel of record, will move the Court pursuant to Fed. R. Civ. P. 12(b)(1) for an Order dismissing Plaintiff San Francisco Technology Inc.'s ("SFT") Complaint against Homax. This Motion is based on the Memorandum of Points and Authorities herein, the pleadings and papers on file in this action, such matters as the Court may take judicial notice, and argument and evidence to be presented at the hearing on this Motion.

RELIEF REQUESTED

Homax seeks dismissal of SFT's claims against Homax pursuant to Fed. R. Civ. P. 12(b)(1). SFT does not and cannot allege any cognizable injury in fact that would support Article III standing. Thus, this Court lacks subject matter jurisdiction and must dismiss Homax under Fed. R. Civ. P. 12(b)(1).

Dated: August 25, 2010

Respectfully submitted,

By: _____/s/_____

Jenny L. Sheaffer (*Pro Hac Vice*)
BENESCH, FRIEDLANDER, COPLAN
& ARONOFF LLP

David M. Given
PHILLIPS, ERLEWINE & GIVEN LLP

Attorneys for Defendant
HOMAX PRODUCTS, INC.